

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:06-cv-304-RJC

BRENDA COLLINS, )  
                        )  
                        )  
Plaintiff,           )  
                        )  
                        )  
vs.                   )  
                        )  
TIAA-CREF, KATHY JACKSON,     )  
TARAN NARAYAN, and ROBERT     )  
SMITH,                )  
                        )  
Defendants.          )

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**THIS MATTER** is before the Court sua sponte. After the Court's Order of October 20, 2008, giving the Plaintiff notice in accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) (Doc. No. 138), the Court became aware that the Plaintiff's Response to the Defendants' summary judgment motion had been received by the Clerk's office but not yet filed. As the Plaintiff has already responded, the Court's Order is moot.

**IT IS, THEREFORE, ORDERED** that the Court's Order of October 20, 2008, is hereby **RESCINDED** and **VACATED**. It is further **ORDERED** that the Defendants shall reply to Plaintiff's Response in Opposition on or before October 31, 2008.

**SO ORDERED.**

Signed: October 22, 2008

  
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Robert J. Conrad, Jr.  
Chief United States District Judge  
